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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,508	03/09/2004	Yuichi Ueda	MM8845US	1950
22203	7590	06/28/2006	EXAMINER	
KUSNER & JAFFE HIGHLAND PLACE SUITE 310 6151 WILSON MILLS ROAD HIGHLAND HEIGHTS, OH 44143			GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,508	<b>Applicant(s)</b> UEDA, YUICHI	
	<b>Examiner</b> Charles N. Greenhut	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**I. Claim Rejections - 35 USC § 112**

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 1-6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. Claim 1 recites the limitation, “a corresponding opposite end of an upper part of said platform” in line 10. It is unclear what “corresponding” refers to. It is unclear what “opposite” refers to.

1.2. Claim 1 recites the limitation, “the opposite end” in line 15. It is unclear what this refers to since there are apparently at least two opposite ends since each cable is connected to “a corresponding opposite end” as previously set forth.

**II. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1, and 5-6 is/are rejected under 35 U.S.C. 102(b) as being anticipated by TANAKA (JP 01-092108 A).

1.1. With respect to claim 1, TANAKA discloses a running truck body that runs along a track (Fig. 1), a platform (9), longitudinal pair of raising and lowering poles (8b)/(8d),

pair of cables (11)/(12), driving wheel (21), and the ropes guided from the opposite sides of the upper part of the platform to vicinity of a central portion of the running track, to the vicinity of a central lower portion of the platform (Fig. 2).

1.2. With respect to claim 5, TANAKA additionally discloses a driving wheel at each end (Fig. 2).

1.3. With respect to claim 6, TANAKA additionally discloses the claimed guide wheel configuration (Fig. 2).

### **III. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 2-4 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over TANAKA (JP 01-092108 A).

1.1. With respect to claim 2, TANAKA additionally discloses a tension setting device (Fig. 3). While TANAKA fails to disclose the tension setting device arranged in the platform, it would have been obvious to one of ordinary skill in the art to rearrange the parts of TANAKA so that the tensioner is located in the platform in order to protect the tensioner from interference and/or contamination.

1.2. With respect to claim 3, TANAKA additionally discloses a spring and error detecting unit (Fig. 3).

1.3. With respect to claim 4, TANAKA additionally discloses a spring, a moving member, setting jig, and detector (Fig. 3).

#### **IV. Response to Applicant's Arguments**

Applicant's arguments entered 4/25/06 have been fully considered but are not persuasive.

1. Applicant argues that TANAKA does not anticipate claim 1 because TANAKA fails to teach cables guided to a vicinity of a central lower portion of the platform. This argument is not persuasive. Though the cables of TANAKA, as viewed from figure 2, appear to terminate closer to the outer edge of the platform (9), the termination points (12b)/(11b) can properly be considered to be located at "a vicinity of a central lower portion of [the] platform" within the broadest reasonable interpretation of that term.
2. Applicant argues several design advantages taught by applicant's preferred embodiment as compared to the prior art. This is not relevant to the question of whether TANAKA properly anticipates claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.
3. Applicant asserts that claim 1 is not rendered obvious by TANKA because of "unexpected results." This argument is not persuasive. Unexpected results must be established by factual evidence. Applicant has presented no evidence in support of this assertion as required by MPEP 716.01(c).

#### **V. Conclusion**

1. Applicant's amendment necessitated the new ground(s) of rejection under 35 U.S.C. 112 2<sup>nd</sup> paragraph presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

Art Unit: 3652

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197  
(toll-free).

CG

A handwritten signature in black ink, appearing to read 'E. Lillis', with a stylized, flowing script.

**EILEEN D. LILLIS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600